



Attorney Dkt. No. 64688/155

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Steven J. Soldin

Serial No. 10/073,334

Filed: 02/13/2002

A divisional application derived from

Serial No. 09/643,723

Filed: 08/23/2000

For: A Novel 8.4 kDa Immunophilin

Group Art Unit: 1654

Examiner: Anish Gupta

BY FIRST CLASS MAIL

REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents

Box 1450

Alexandria, VA 22313-1450

Mail Stop: RCE

Sir:

Pursuant to 37CFR1.114, applicant is filing a Request for Continued Prosecution of the captioned application. The fee pursuant to 37CFR1.17(e) is enclosed.

Specification

As provided by 37CFR1.114(c) the written description has been amended as follows in a substitute application:

\* The examiner has correctly noted that two of the trademark registration symbols are incorrect. We have corrected this specific error, but have now inserted the proper trademark registration symbols throughout the specification.

\* The previous specification used interchangably the manufacturer's designation FK-506 and the internationally-recognized expression tacrolimus. Likewise, the manufacturer's designation rapamycin and the internationally-recognized designation of sirolimus have been used interchangably. To bring the specification in conformity with international rules, we have amended the specification to use only the international designations.

Double Patenting (actually, Written Description (35USC112(2))

The examiner professes not to understand what Kd means in claim 4. A review of the file history will demonstrate that this has been addressed before by the applicant, and claim 4 had earlier been amended to insert "binding constant" before the symbol Kd. Those of average skill in this art , to whom this application is addressed, will readily understand what is meant by "binding constant Kd".

The examiner rejected claim 7 (recombinant 8.4 kD binding protein). This claim has been canceled.

#### New Ground For Rejection

The examiner has rejected claim 9 under the theory of double patenting under 35 USC 101.

Claim 9 is now canceled.

#### Claim History

Attached is a list of all claims filed or amended or canceled since the filing date of the application.

#### Conclusions

Applicant submits that he has overcome all claim rejections, and that it would be appropriate to pass these claims to issuance.

Respectfully submitted,

Date of signature: 3/2/2006



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### CERTIFICATE OF MAILING

The undersigned attorney is sending these documents by first class pre-paid mail with the United States Postal Service addressed the Commissioner for Patents on March 2, 2006.

**Dr. Melvin Blecher**